

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 16, 2025

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JESS RICHARD SMITH,

Plaintiff,

v.

J. NEAU, CUS HICKS, LT.
ROBINETTE, OLAJUAN JONES
#896455, MISS JACKSON, and
SAMANTHA GRISWOLD,

Defendants.

NO: 4:25-CV-5026-TOR

ORDER DISMISSING ACTION

BEFORE THE COURT is Plaintiff Jess Richard Smith's "Show Cause Affidavit of Physical Imminent Danger and Harm," ECF No. 10, which the Court construes as his Response to the Order to Show Cause why he should be allowed to proceed *in forma pauperis* in this action under 28 U.S.C. § 1915(g). Plaintiff, a prisoner at the Coyote Ridge Corrections Center, is proceeding *pro se*; Defendants have not been served.

1 In his Response, Plaintiff states that he is seeking “Medical Treatment ‘to
2 repair broken fractured bones’.” ECF No. 10 at 2. He contends that “Coyote Ridge
3 Correctional Officials have refused to treat Diagnosed Physical Injuries and allow
4 money on my Inmate Savings Account to be sent out to pay for court fees.” *Id.*

5 Plaintiff again references events that occurred and injuries he sustained (i.e.,
6 a broken finger) in 2022, claiming it never healed properly. *Id.* at 3–4. Contrary to
7 Plaintiff’s assertions, this does not show that he was under imminent danger of
8 serious physical injury when he presented his Complaint on March 12, 2025. *See*
9 *Ray v. Lara*, 31 F.4th 692, 701 (9th Cir. 2022). He presents no facts disputing the
10 existence of three or more “strikes” under 28 U.S.C. § 1915(g). Consequently,
11 Plaintiff may not proceed *in forma paupers*. *Andrews v. Cervantes*, 493 F.3d 1047,
12 1053 (9th Cir. 2007).

13 Having granted Plaintiff the opportunity to pay the filing fee, and without
14 verification that he is currently legally entitled to money in his Inmates Savings
15 Account, **IT IS ORDERED** that this action is **DISMISSED without prejudice** for
16 failure to pay the filing fee as required by 28 U.S.C. § 1914.

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1 The Clerk of Court is directed to enter this Order, enter judgment, forward a
2 copy to Plaintiff and **close** the file. The Court certifies any appeal of this dismissal
3 would not be taken in good faith.

4 **DATED** May 16, 2025.



Thomas O. Rice
THOMAS O. RICE
United States District Judge